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10/590,237	08/22/2006	Makoto Soyama	Q96620	6912

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EXAMINER	
LEE, DORIS L	

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
06/14/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Attachment to Advisory Action

1. The examiner has entered the applicant's amendment filed on May 3, 2010, and as the applicant has amended claim 1 by incorporating the limitations of claim 2. The examiner notes that as both claim 1 and claim 2 were rejected over Hwang, Goodwin and Kulkarni in paragraph 4 of the Office Action mailed on March 3, 2010 and as therefore, the grounds of rejection will remain the same with the addition of the rejection of claim 2 is now incorporated into the rejection of claim 1. Applicant's response filed May 3, 2010 has been fully considered but is not persuasive for the reasons set forth below (note that "Hwang I" is applicant's shorthand for Hwang WO 99/37592):

2. **Applicant's argument:** Kulkarni uses a bimodal flay ash outside the D50 particle size range.

Examiner's response: *D50 particle size range limitation of 1 to 10 microns allows for particle sizes outside this range. It is noted that Hwang I teaches that the mean particle size is less than 10 microns. For example, Figure 5 of the specification shows a range of particle size very similar to the one shown in Kulkarni with a D50 that is still within the claimed range.*

3. **Applicant's argument:** Kulkarni does not teach that for achieving flame retardancy and mechanical strength of the polycarbonate resin, fly ash having a D50 particle size of 1 to 10 microns should be added to the polycarbonate.

Examiner's response: *As the prior art teaches all the limitations of the claimed invention, most notably the bimodal distribution of the fly ash, and the prior art provides a motivation to combine the teachings of the prior art, the fact that the applicant's have*

found a new property which arises from the prior art composition does not confer patentability to the claimed invention.

4. **Applicant's argument:** In Hwang I, the fly ash and calcium carbonate have the same mechanical properties as fillers in many plastics; however, they have different flame retardancy properties.

Examiner's response: *The examiner has not relied on Hwang I's teaching of calcium carbonate to reject the presently claimed invention.*

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doris L. Lee whose telephone number is (571)270-3872. The examiner can normally be reached on Monday - Thursday 7:30 am to 5 pm and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571)272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Doris L Lee/
Examiner, Art Unit 1796

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796